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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2023) 4523 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 13.7.2023 supplementing Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the specific test procedures and technical requirements for the type-approval of certain motor vehicles with regard to their advanced driver distraction warning systems and amending that Regulation

Delegations will find attached document C(2023) 4523 final.

Encl.: C(2023) 4523 final



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COMMISSION DELEGATED REGULATION (EU) .../...

of 13.7.2023

supplementing Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the specific test procedures and technical requirements for the type-approval of certain motor vehicles with regard to their advanced driver distraction warning systems and amending that Regulation

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2019/2144 of the European Parliament and of the Council¹ mandates motor vehicles of categories M and N to be equipped with advanced driver distraction warning (ADDW) systems from 7 July 2024 for new types and from 7 July 2026 for all new vehicles. The ADDW is defined as a system that helps the driver to continue paying attention to the traffic situation and warns the driver when he or she is distracted. For example, this function can be fulfilled by a system capable of recognising the driver's level of visual attention to the traffic situation and warning the driver when distracted.

The Commission is empowered to lay down detailed rules concerning the specific test procedures and technical requirements for the type-approval of motor vehicles with regard to the advanced driver distraction warning. This Commission Delegated Regulation supplements Regulation (EU) 2019/2144 by laying down the respective technical requirements and test procedures.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In the preparation of this act, the Commission carried out appropriate consultations with the Member States experts and stakeholders, which confirmed their general support.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis of this delegated act is Article 4(6) and Article 6(6) of Regulation (EU) 2019/2144 of the European Parliament and of the Council.

The European Commission, in its staff working document describing the next steps toward "Vision Zero"², estimates that between 10% and 30% of crashes in Europe are caused by road user distraction and the National Highway Traffic Safety Administration³ (NHTSA) estimates that driver distraction may contribute to 16% of all fatal collisions, 21% of all injurious collisions and 22% of all collision in the US. These figures are likely to be underestimated⁴ given the difficulty in determining contributory factors after a crash has occurred. To prevent visual distraction-related crashes, Regulation (EU) 2019/2144 mandates the implementation of Advanced Drivers Distraction Warning (ADDW) systems for new types of vehicles from 2024. ADDW is defined as a system that helps the driver to continue paying attention to the traffic situation and warns the driver when he or she is distracted.

The development of ADDW systems is specific to research teams, car manufacturers and suppliers, therefore, the provisions of this Regulation cover the human machine interface aspect and the specific environment, in which the ADDW must warn the driver. The ADDW system must interpret human behaviour which always has a level of uncertainty. That is why, the testing procedure performed by technical services allows a re-testing procedure with a

¹ OJ L 325, 16.12.2019, p. 1.

² EU Road Safety Policy Framework 2021-2030 - Next steps towards "Vision Zero": Commission staff working document, 2019

³ An examination of driver distraction as recorded in NHTSA database, 2009

⁴ "A The battle for attention: Driver distraction - a review of recent research and knowledge", 2015, Kinnear, N; Stevens,

variation of the distracted behaviour, performed by the test driver, to address potential uncertainties inherent to all ADDW systems.

This Commission Delegated Regulation also amends Annex II to Regulation (EU) 2019/2144 by adding a reference to this Regulation, which is the regulatory act establishing the specific requirements with regard to the advanced driver distraction warning.

COMMISSION DELEGATED REGULATION (EU)

.../... of 13.7.2023

supplementing Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the specific test procedures and technical requirements for the type-approval of certain motor vehicles with regard to their advanced driver distraction warning systems and amending that Regulation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166¹, and in particular Article 4(6) and Article 6(6), point (a) thereof,

Whereas:

- (1) Article 6 of Regulation (EU) 2019/2144 requires motor vehicles of categories M and N to be equipped with certain advanced vehicle systems, including advanced driver distraction warning ('ADDW') systems. Annex II to that Regulation lays down requirements for the type-approval of motor vehicles with regard to the ADDW systems.
- (2) In accordance with Article 3, point (6), of Regulation (EU) 2019/2144, the ADDW system is a system that helps the driver to continue to pay attention to the traffic situation and that warns the driver when they are distracted. Taking into account the wide variety of drivers' characteristics, the variability of seating positions, and the relative market immaturity of existing technologies, the performance requirements for ADDW systems should be set at a level that is realistic and attainable with regard to the limited experience gathered from the systems on the market and the room needed for further innovation of these systems. At the same time, those requirements should be technology-neutral, in order to foster development of new technologies. Therefore, this Regulation focuses on warning drivers in cases of long visual distraction.
- (3) As next stage, the Commission will continue the work to further investigate, develop and adopt by July 2027 requirements which will follow the technological progress of ADDW systems, in accordance with Article 14 of Regulation (EU) 2019/2144. These

¹ OJ L 325, 16.12.2019, p. 1.

progress include intermittent distraction, the assessment of types of driver distraction other than visual (e.g. cognitive distraction), driver's body movement (e.g. looking to the rear) and distraction avoidance by technical means.

- (4) This Regulation should set reasonable expectations for the range of driver characteristics and seating positions for which ADDW systems should be effective. Manufacturers should provide evidence that their ADDW system is effective across the defined range of driver characteristics and seating positions.
- (5) The table in Annex II to Regulation (EU) 2019/2144 containing the list of requirements referred to in Article 4(5) and Article 6(3) of that Regulation does not contain any reference to regulatory acts as regards the advanced driver distraction warning systems. It is therefore necessary to introduce a reference to this Regulation in that Annex. Regulation (EU) 2019/2144 should therefore be amended accordingly.
- (6) As the requirement for ADDW systems under Regulation (EU) 2019/2144 is to apply from 7 July 2024 (as described in Annex 2 of Regulation (EU) 2019/2144), this Regulation should apply from the same date.
- (7) The provisions of this Regulation are closely linked as they deal with rules concerning the specific test procedures and technical requirements for the type-approval of motor vehicles with regard to their advanced driver distraction warning systems. As a result of the rules laid down in this Regulation, it is necessary to add a reference to this Regulation in Annex II to Regulation (EU) 2019/2144. It is therefore appropriate to lay down those provisions in a single Delegated Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to motor vehicles of categories M and N, as defined in Article 4(1), points (a) and (b) of Regulation (EU) 2018/858 of the European Parliament and of the Council².

Article 2

Technical requirements for the advanced driver distraction warning system

Technical requirements for the type-approval of motor vehicles with regard to the advanced driver distraction warning systems are laid down in Part 1 of Annex I.

Article 3

Specific test procedures for validation of advanced driver distraction warning system

Specific test procedures for validation of advanced driver distraction warning systems by the technical services are laid down in Part 2 of Annex I.

² Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1)

Article 4

Amendment to Regulation (EU) 2019/2144

Annex II to Regulation (EU) 2019/2144 is amended in accordance with Annex II to this Regulation.

Article 5

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 7 July 2024. However, from 1 January 2024, national authorities shall not refuse to grant EU type approval for a new type of vehicle or grant extension for an existing type of vehicle, where the vehicle concerned complies with this Regulation, if a manufacturer so requests.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13.7.2023

For the Commission
The President
Ursula VON DER LEYEN